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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

FRANK MARIO BELLA a/k/a,
FRANK BORZELLIERI

Chapter 7
Case No. 14-71052 (REG)

Debtor.

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**APPLICATION TO RETAIN THE LAW OFFICE OF FREDERICK C. KELLY
AS SPECIAL COUNSEL TO THE TRUSTEE**

**To: The Honorable Robert E. Grossman
United States Bankruptcy Judge**

The application (the "Application") of Kenneth P. Silverman, Esq., the Chapter 7 Trustee (the "Trustee") of the estate of Frank Mario Bella a/k/a Frank Borzellieri (the "Debtor"), by his attorneys, SILVERMANACAMPORA LLP, respectfully represents as follows:

1. On March 18, 2014 (the "Filing Date"), the above-captioned Debtor filed a petition for relief in accordance with Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code").

2. Thereafter, Kenneth P. Silverman, Esq., was appointed as the interim Chapter 7 Trustee of the estate and has since duly qualified and is the permanent Trustee in this case.

3. The Trustee desires to retain the services of the Law Office of Frederick C. Kelly ("Kelly"), as special counsel for the purpose of continuing the prosecution of a personal injury action, wherein the Debtor is a plaintiff in a defamation of character lawsuit (the "Lawsuit").

4. As set forth in the affidavit of Frederick C. Kelly, Esq. (the "Frederick Kelly Affidavit"), a member of the Kelly firm, Kelly has become intimately familiar with the specifics of the Lawsuit.

5. The Lawsuit is fact sensitive and requires complex litigation. As more fully set forth in the Frederick Kelly Affidavit, Kelly is well qualified to act as special counsel in this matter.

6. Accordingly, the Trustee believes that Kelly should be retained as special counsel to continue the prosecution of the Lawsuit.

7. Kelly has acknowledged that its application for compensation and reimbursement of costs and expenses is subject to the approval of the Court and shall be on a contingency fee basis, figured on the gross monies recovered by suit settlement or otherwise.

8. To the best of Trustee's knowledge, Kelly represents no adverse interest to the estate or its creditors and is a disinterested person as that term is defined in §101(14) of the Bankruptcy Code.

9. Kelly will supply the Trustee with a written status report on a quarterly basis.

10. Kelly, within thirty (30) days of the entry of this Order, make a motion returnable in the Supreme Court of the State of New York, Appellate Division, Second Department for an order pursuant to CPLR §1018 to include the Trustee, Kenneth P. Silverman, Esq. as the successor in interest to the Debtor, along with the Debtor, in the caption of the Lawsuit.

11. Kelly shall maintain contemporaneous time records of the services performed for the Estate in a manner consistent with the Bankruptcy Code and the United States Trustee's Guidelines.

12. Upon settlement or other liquidation of the claims being prosecuted in the Lawsuit, the gross proceeds from the settlement or other liquidation shall be turned over to the Trustee upon receipt by Kelly and/or the Debtor for the distribution by the Trustee in accordance with orders of this court and/or the Bankruptcy Code.

13. No prior application for the relief sought herein has been previously made to this or any other Court.

WHEREFORE, the Trustee respectfully requests the entry of an order authorizing the retention of Kelly as special counsel to the Trustee and for such other, further and different relief as to this Court may deem just and proper.

Dated: Jericho, New York
June 20, 2014

SILVERMANACAMPORA LLP
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Chapter 7 Trustee for the estate of
Frank Mario Bella a/k/a Frank Borzellieri

By: s/Ronald J. Friedman
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